**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

MYMAIL, LTD.,	§	
	§	
Plaintiff,	§	
	§	Civil Action No. 2:16-cv-01000
v.	§	
	§	Jury Trial Demanded
YAHOO!, INC.,	§	
	§	
Defendant.	§	

PLAINTIFF'S COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff MyMail, Ltd. files this Complaint against Yahoo!, Inc. and alleges as follows.

PARTIES

1.   Plaintiff MyMail, Ltd. ("MyMail") is a Texas Limited Partnership with an office and place business at 5344 County Road 3901, Athens, TX 75752. MyMail was founded in 2003 as an intellectual property development and licensing company to provide secure, internet-related services and efficient web page interaction to internet service providers, mobile device manufacturers, network carriers, and internet related toolbar developers. MyMail's toolbar patents disclose inventions that allow for the dynamic updating, changing, or modification of toolbar data from remote servers (the "MyMail Toolbar Technology"). Using the MyMail Toolbar Technology, toolbar providers can, for example, dynamically change elements, functions, and buttons on their toolbar(s) for specific targeted users based on use and individual searches. MyMail has successfully licensed the MyMail Toolbar Technology to toolbar providers.

2.   Upon information and belief, Defendant Yahoo!, Inc. ("Yahoo") is a corporation organized and existing under the laws of the State of Delaware, with its principal place of

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business located at 701 First Avenue, Sunnyvale, California 94089. Yahoo may be served with

process through its registered agent, CT Corporation System, 1999 Bryan Street, Suite 900,

Dallas, Texas 75201.

JURISDICTION AND VENUE

3.   This is an action for patent infringement arising under the patent laws of the

United States of America, Title 35, United States Code. This Court has original jurisdiction over

the subject matter of this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

4.   Yahoo is engaged in the business of publishing and distributing a browser plug-in

called the Yahoo Toolbar that integrates with Microsoft Internet Explorer, Mozilla Firefox, and

Google Chrome browsers to allow users to access Yahoo search, email, weather, and other

functionalities from any web page location (the "Yahoo toolbar"). The Yahoo Toolbar docks

itself to a device's browser when installed and sits atop the browser at all times. Yahoo

publishes, promotes, and distributes the Yahoo Toolbar to users in the United States, including

users within this District.

5.   Upon information and belief, Yahoo is subject to this Court's specific personal

jurisdiction because it does business in the State of Texas and has (a) designated an agent for

service of process in the State of Texas; and (b) has committed acts of infringement in the State

of Texas as alleged below. In particular, upon information and belief, Yahoo is subject to the

specific personal jurisdiction of this Court because MyMail's claims for patent infringement

against Yahoo arise from its acts of infringement in the State of Texas. These acts of

infringement include providing the infringing Yahoo Toolbar to users of the Yahoo Toolbar in

the State of Texas, and causing the browser on a user device to display the Yahoo toolbar and

perform the other functions of the asserted claims. Therefore, this Court has personal

jurisdiction over the Defendant under the Texas long-arm statute, TEX. CIV. PRAC. & REM. CODE §17.042.

6.   Venue is proper in this District under 28 U.S.C. §§ 1391(c) and 1400(b). Upon information and belief, Yahoo has engaged in acts of infringement in the State of Texas described herein sufficient to subject it to personal jurisdiction in this District if the District were a separate State.

THE PATENTS-IN-SUIT

7.   On September 25, 2012 the United States Patent and Trademark Office issued United States Patent No. 8,275,863 (the "'863 Patent") entitled "Method of Modifying a Toolbar," a true copy of which is attached as Exhibit 1.

8.   On April 28, 2015, the United States Patent and Trademark Office issued United States Patent No. 9,021,070 (the "'070 Patent") entitled "Dynamically Modifying a Toolbar," a true copy of which is attached as Exhibit 2. The '070 Patent is a continuation of the '863 Patent. The '863 and '070 Patents are collectively referred to as the "Asserted Patents."

9.   MyMail is the owner of the '863 and '070 Patents, and has the exclusive right to sue for and recover all past, present and future damages for infringement of the Asserted Patents.

### ALLEGATIONS COMMON TO ALL CLAIMS

10.   The Yahoo Toolbar software causes the toolbar to be displayed on a user Internet device (*i.e.*, a device that can communicate with other devices via the Internet) that includes toolbar buttons. For example, the Yahoo Toolbar displayed on a user's Internet device includes the "Mail" and "News" buttons indicated in FIGURE 1.

FIGURE 1

**PLAINTIFF'S COMPLAINT FOR PATENT INFRINGEMENT**   **Page 3**
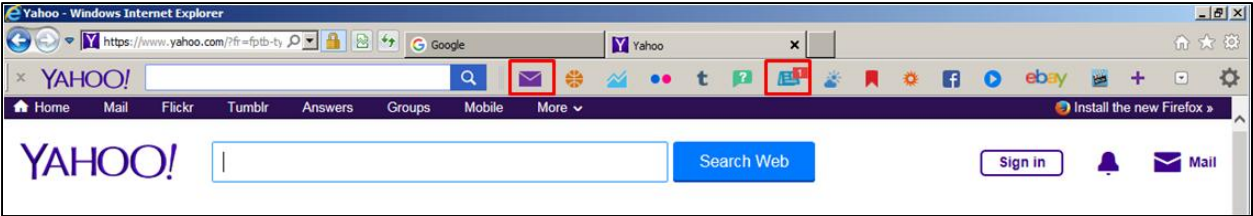
11.   The toolbar buttons on the Yahoo Toolbar are defined by toolbar data stored in toolbar-defining databases. In particular, the toolbar buttons on the Yahoo Toolbar are defined by toolbar data as indicated in FIGURE 2 below stored in the "AppData/LocalLow/YahooNexGen" folder on the user Internet device.
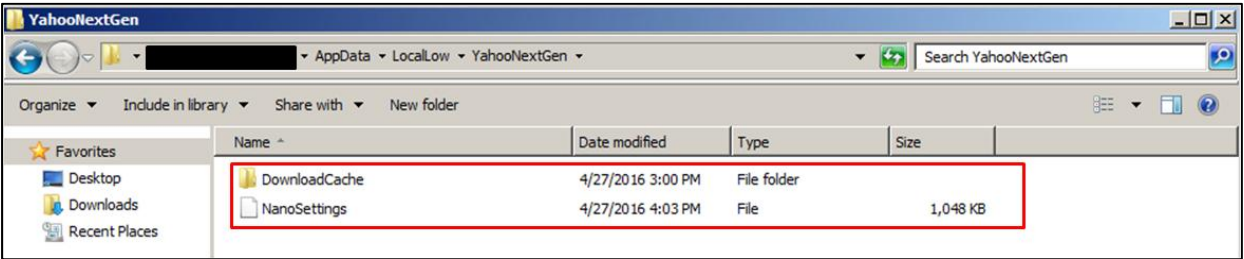
FIGURE 2

12.   The toolbar buttons are also defined by toolbar data as indicated below in FIGURE 3 stored in the "AppData/LocalLow/YahooNexGen/DownloadCache" folder on the user Internet device.
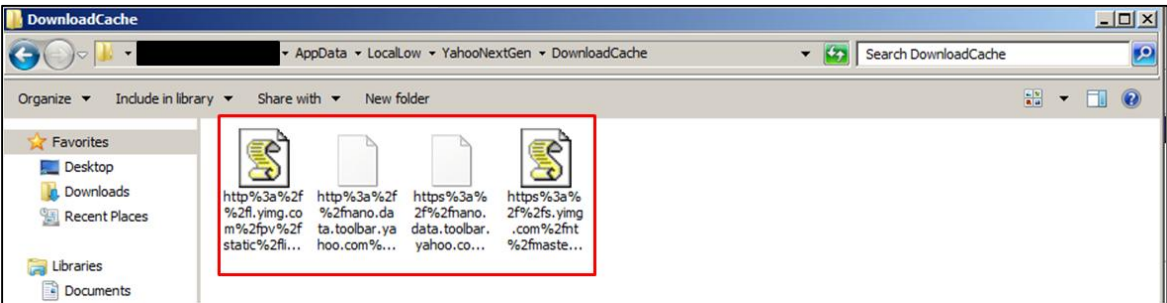
FIGURE 3

13.   As shown below in FIGURES 4-6, the toolbar buttons are also defined by toolbar data stored in the Windows System Registry on the user Internet device.

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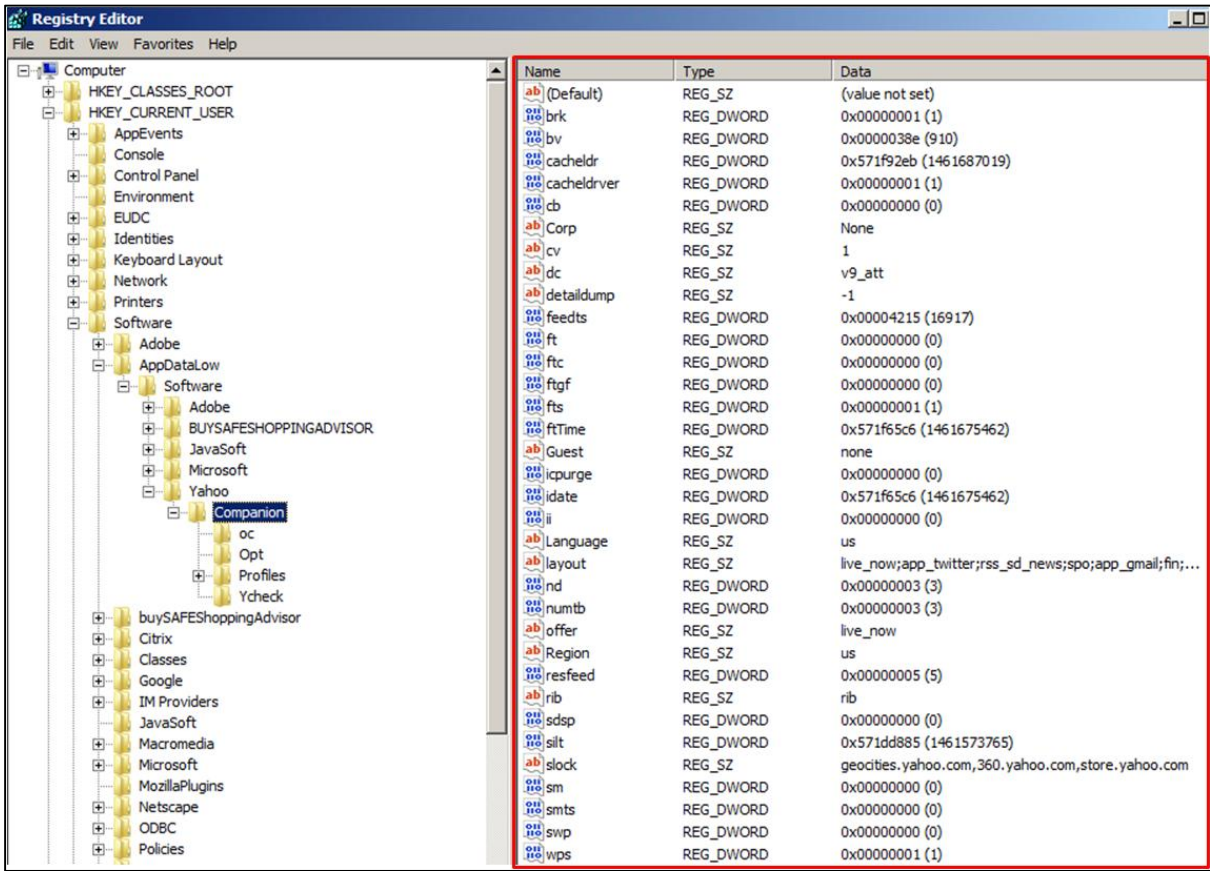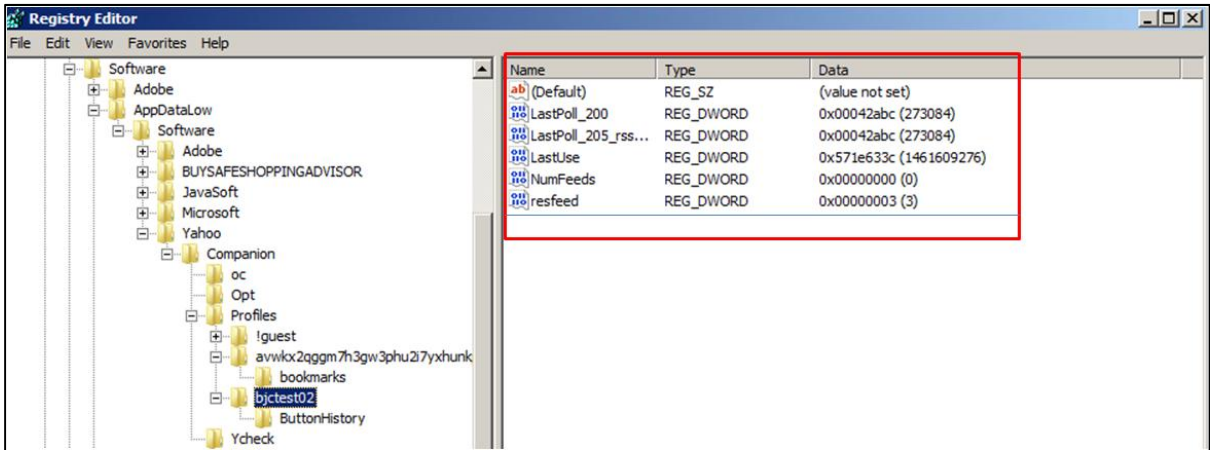
FIGURE 4

FIGURE 5

FIGURE 6
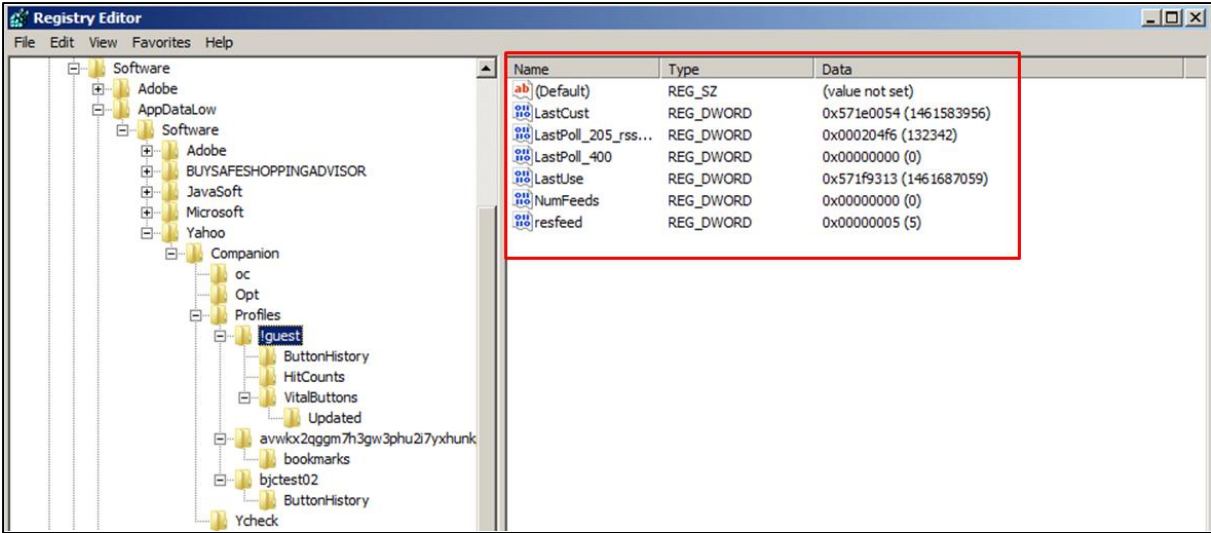
14.   The   "AppData/LocalLow/YahooNexGen"   and "AppData/LocalLow/YahooNexGen/DownloadCache" folders, and the Windows System Registry constitute toolbar defining databases of the user Internet device.

15.   The toolbar data of the Yahoo Toolbar comprises a plurality of toolbar button attributes associated with the one or more toolbar buttons of the toolbar. For example, as shown below in FIGURE 7, the toolbar data in the "NanoSettings" file in the AppData/LocalLow/YahooNexGen" folder on the user Internet machine includes a plurality of toolbar button attributes associated with one or more toolbar buttons of the toolbar":

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FIGURE 7

```
{
"e": [
"Y!",
"Mail",
"u0002",
"",
"u00014u0001178060853/app_yma_tdu0001https://mail.yahoo.com?.intl=us",
"90119",
"",
"4096",
"",
"",
"",
"",
{
"noapbstateico": "1",
"alrt": "200",
"ultid": "app_yma_td",
"ehb": "2000002340004app_yma0004000430003300004yma",
"pev": "200",
"of": "ff:arial%20narrow;fs:8;c:#ffffff;ec:#54524a;ef:3;",
"ysoncok": "1",
"ov": "4"J,
"icon_apb": "g/yma_apb2.png",
"n_st": "2",
"awp": "2000002*.mail.yahoo.com00032010002*.mail.yahoo.com",
"ysovscroll": "hidden",
"ysosecure": "1",
"at": "%25YahooMail",
"ysoid": "@td_td-applet-mail",
"id": "yma",
"ysologin": "1",
"t": "2",
"icongalaxy": "e/mail_refresh_new.png",
"exp": "ad",
"ysowidth": "500",
"ov": "#AE_200_blob_count;",
"rhb": "2000002300004app_yma",
"ysocaption": "0",
"ysocache": "0",
"cltdoms": "mail.yahoo.com",
"p": "5",
"modid": "tdlite",
"gKrp": "grp_fav",
"ysotdparam": "{toolbar:0,gmail:0,woeid:$WOEID,signedin:$SIGNEDIN}",
"ysoheight": "335"
}
],
```

16.   At least one of the toolbar button attributes (for example, in the "NanoSettings" toolbar data) identifies a function to be performed by a specific toolbar button upon actuation of the toolbar button. For example, as shown in FIGURE 8 below, the "cltdoms" toolbar button attribute includes the following function to be performed when the "Mail" button is actuated:

FIGURE 8
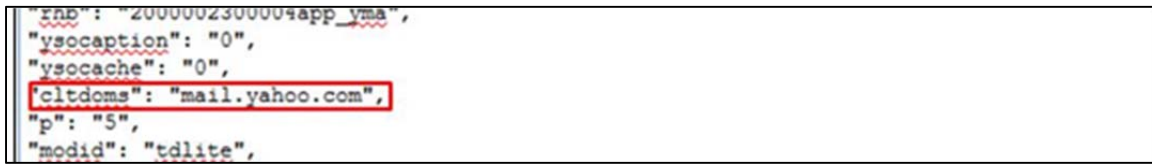
17.   When the "Mail" button on the Yahoo Toolbar is actuated, as shown below in FIGURE 9, the user's mailbox is displayed:

FIGURE 9
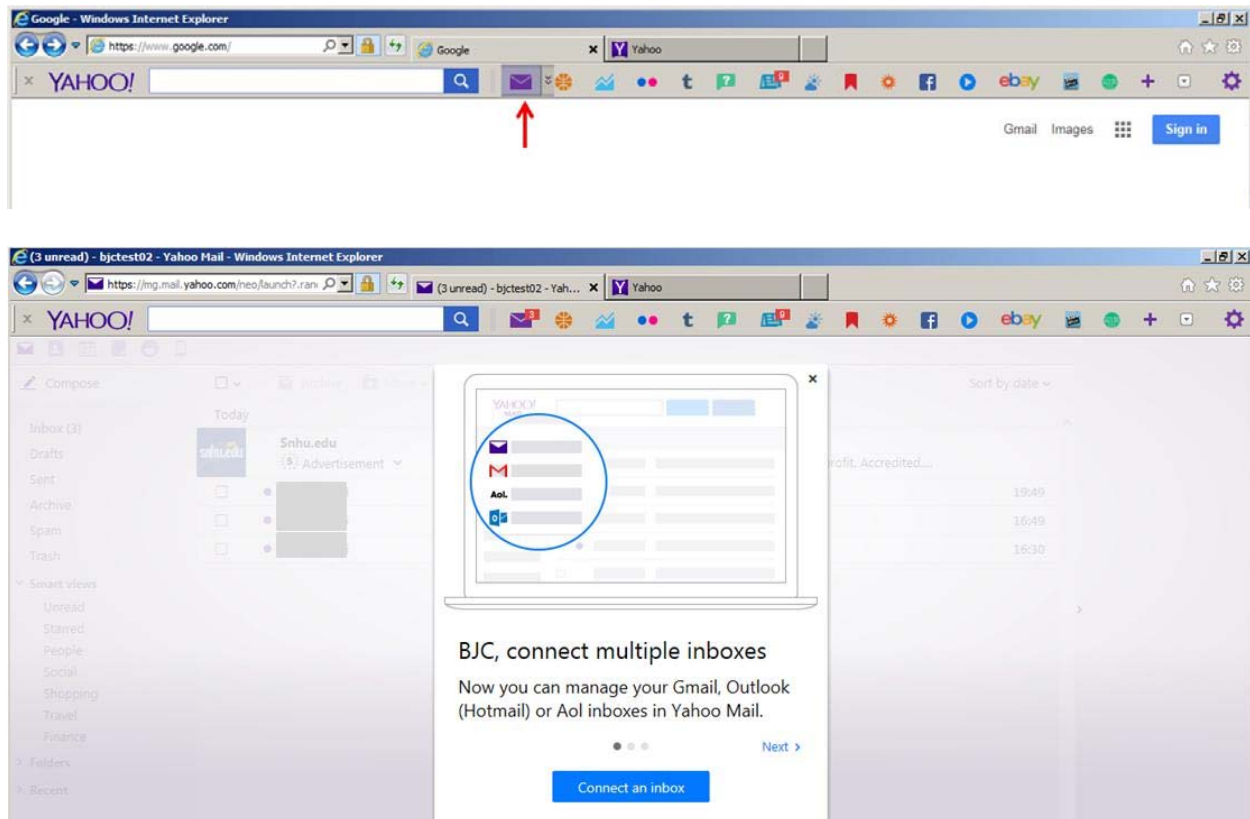
18.   The Yahoo Toolbar performs a method for dynamically modifying a toolbar. For example, as shown below in FIGURE 10, the Yahoo Toolbar communicates with a server at IP Address 98.137.201.165, to dynamically modify the Yahoo Toolbar by, for example, updating the unread mail count that is displayed on the Yahoo Toolbar:

FIGURE 10

#	X-ClientIP	X-HostIP	Result	Protocol	Host	URL		Body
4	127.0.0.1	173.205.10.67	200	HTTP	www.nasdaq.com	/quotedll/quote.dll?page=xml&mode=stock&partner=visicom&symbol=AAPL		4,087

19.   The Yahoo Toolbar initiates without user intervention or interaction communication of information associated with the one or more toolbar-defining databases from the user Internet device to a Yahoo controlled server associated with a network address. For example, as shown below in FIGURES 11-12, the Yahoo Toolbar causes the user Internet device at IP address 127.0.0.1 to send a "GET" request to a server associated with IP address 98.137.201.165 containing information associated with the toolbar data stored in the one or more toolbar-defining databases of the user Internet device. Upon information and belief, the encoded data indicated by the red box below includes information associated with the toolbar data stored in the one or more toolbar-defining databases of the user Internet device:

FIGURE 11

#	ClientBeginR...	X+HostIP	X-ClientIP	Result	Protocol	Host ▲	URL
4695	19:51:59.833	98.137.201.165	127.0.0.1	200	HTTPS	us.data.toolbar.yahoo.com	/glxy/v2/alert?v=YNanoIE_10.1.0.192&t=1461766918514&.tguid=9E92302B-234A-4A88-9596-3DCA0533227C...

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FIGURE 12
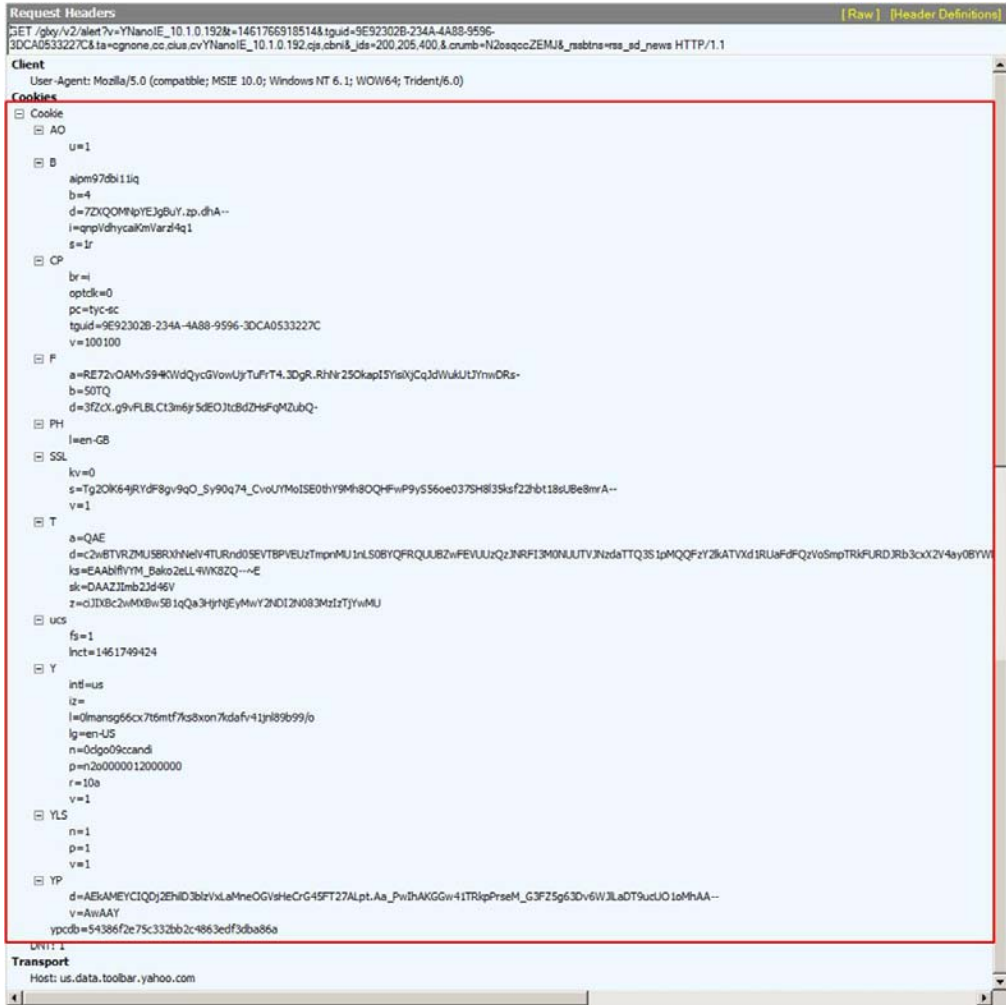
20.   The "GET" request is sent from the user Internet device at IP address 127.0.0.1, without user intervention or interaction. For example, the Yahoo Toolbar automatically sends a "GET" request at random intervals, without user intervention, to obtain an updated mail count, as reflected in FIGURE 13 below:

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FIGURE 13

21.   The Yahoo Toolbar further receives at a Yahoo controlled server the information associated with the toolbar-defining databases. For example, as shown below in FIGURE 14, the server at IP address 98.137.201.165 receives a HTTP "GET" request from the user Internet device that contains information associated with the toolbar data stored in the one or more toolbar defining databases of the user Internet device such as, for example cookie information that is associated with the toolbar data:

FIGURE 14

22.   The Yahoo controlled server receives from the user Internet device the information associated with the toolbar-defining databases because, as shown below in FIGURES 15-17, the user Internet device receives the updated toolbar data such as the latest mail count, in the form of application/octet-stream messages, from the Yahoo controlled server at IP address 98.137.201.165.   In particular, the server sends the updated toolbar data, for example, the "count" information in response to the "GET" request sent from user internet device:

FIGURE 15
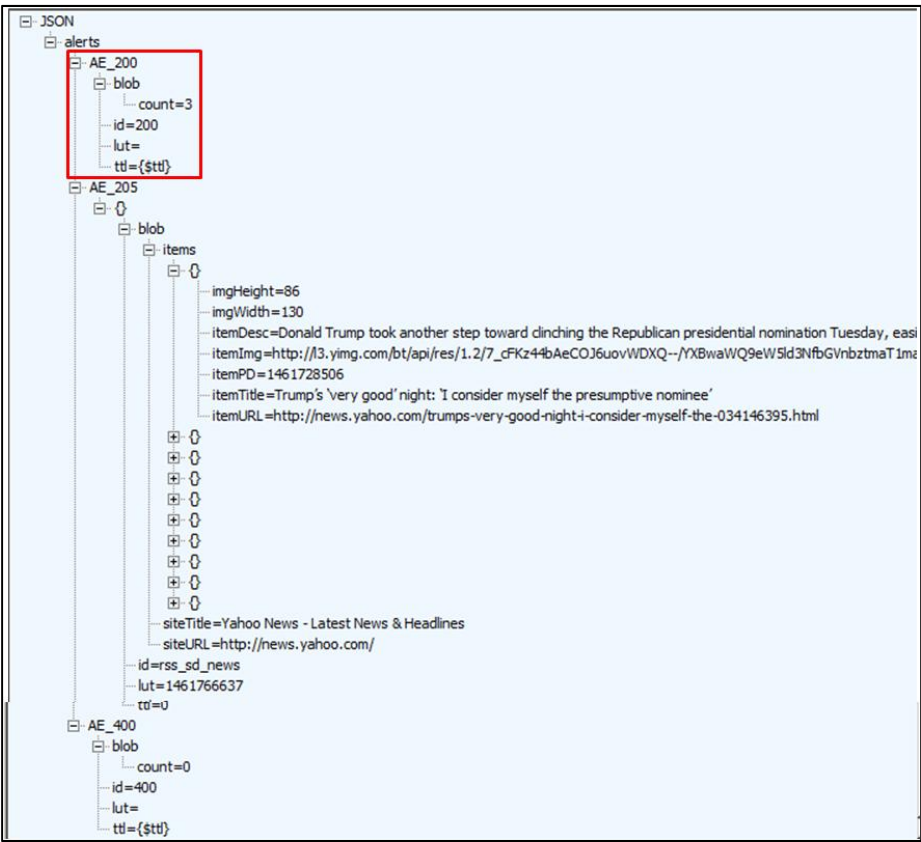
FIGURE 16

FIGURE 17

23.   The Yahoo controlled server determines, based on the information associated with the one or more toolbar-defining databases, that the user Internet device should receive updated

toolbar data. For example, as shown below in FIGURES 18-19, the user Internet device sends

GET requests to a server at IP address 98.137.201.165 for updated toolbar data such as the latest

mail count for a user account. The Yahoo controlled server responds to the request by sending

the user Internet device updated toolbar data in the form of one or more application/octet-stream

messages containing the updated toolbar data:

FIGURE 18

#	ClientBeginR...	X-HostIP	X-ClientIP	Result	Protocol	Host ^	URL
4695	19:51:59.833	98.137.201.165	127.0.0.1	200	HTTPS	us.data.toolbar.yahoo.com	/glxy/v2/alert?v=YNanoIE_10.1.0.192&t=1461766918514&.tguid=9E92302B-234A-4A88-9596-3DCA0533227C...

FIGURE 19

24.   That the Yahoo controlled server determines, based on the information associated

with the one or more toolbar-defining databases, that the user Internet device should receive

updated toolbar data is shown below in FIGURES 20-22, where the Yahoo controlled server

responds to the "GET" request by sending updated toolbar data to the user Internet device.

MyMail expects that access to the server-side source code will confirm that the Yahoo controlled

server determines, based on the information associated with the one or more toolbar-defining

databases, that the user Internet device should receive updated toolbar data.

25.   For example, as shown below the user Internet device receives the updated

toolbar data such as the latest mail count, in the form of one or more application/octet-stream

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messages containing the updated toolbar data from the server at IP address 98.137.201.165. The

server sends the updated toolbar data, for example, the latest unread mail count for the user

account, in response to the "GET" request sent from the user Internet device:

FIGURE 20

FIGURE 21

FIGURE 22

26.   The Yahoo Toolbar causes the user Internet device to receive the updated toolbar

data in response to determining that the user Internet device should receive the updated toolbar

data. For example, as shown below in FIGURES 23-25, the user Internet device receives the

updated toolbar data such as the latest mail count, in the form of in the form of one or more

application/octet-stream messages containing the updated toolbar data from the server at IP

address 98.137.201.165.   The server sends the updated toolbar data, for example, the latest

unread mail count for the user account, in response to determining that the user Internet device

should receive the updated toolbar data based on, for example, the information associated with

the toolbar defining databases:

FIGURE 23

FIGURE 24

< Remainder of this page intentionally left blank >

FIGURE 25

```
JSON
  alerts
    AE_200
      blob
        count=3
      id=200
      lut=
      ttl={$ttl}
    AE_205
      {}
        blob
          items
            {}
              imgHeight=86
              imgWidth=130
              itemDesc=Donald Trump took another step toward clinching the Republican presidential nomination Tuesday, easi
              itemImg=http://l3.yimg.com/bt/api/res/1.2/7_cFKz44bAeCOJ6uovWDXQ--/YXBwaWQ9eW5ld3NfbGVnbztmaT1ma
              itemPD=1461728506
              itemTitle=Trump's 'very good' night: 'I consider myself the presumptive nominee'
              itemURL=http://news.yahoo.com/trumps-very-good-night-i-consider-myself-the-034146395.html
            {}
            {}
            {}
            {}
            {}
            {}
            {}
            {}
          siteTitle=Yahoo News - Latest News & Headlines
          siteURL=http://news.yahoo.com/
        id=rss_sd_news
        lut=1461766637
        ttl=0
    AE_400
      blob
        count=0
      id=400
      lut=
      ttl={$ttl}
```

27.   The Yahoo Toolbar initiates, at the user Internet device and without user interaction, an operation to update the toolbar data in accordance with the received updated toolbar data. For example, as shown below in FIGURES 26-27, the user Internet device receives the updated toolbar data, such as the latest unread mail count, in the form of one or more application/octet-stream messages containing the updated toolbar data from the server at IP address 98.137.201.165. The user Internet device updates the toolbar data by displaying the latest unread mail count on the "Mail" button in accordance with the received updated toolbar data without user interaction:

FIGURE 26
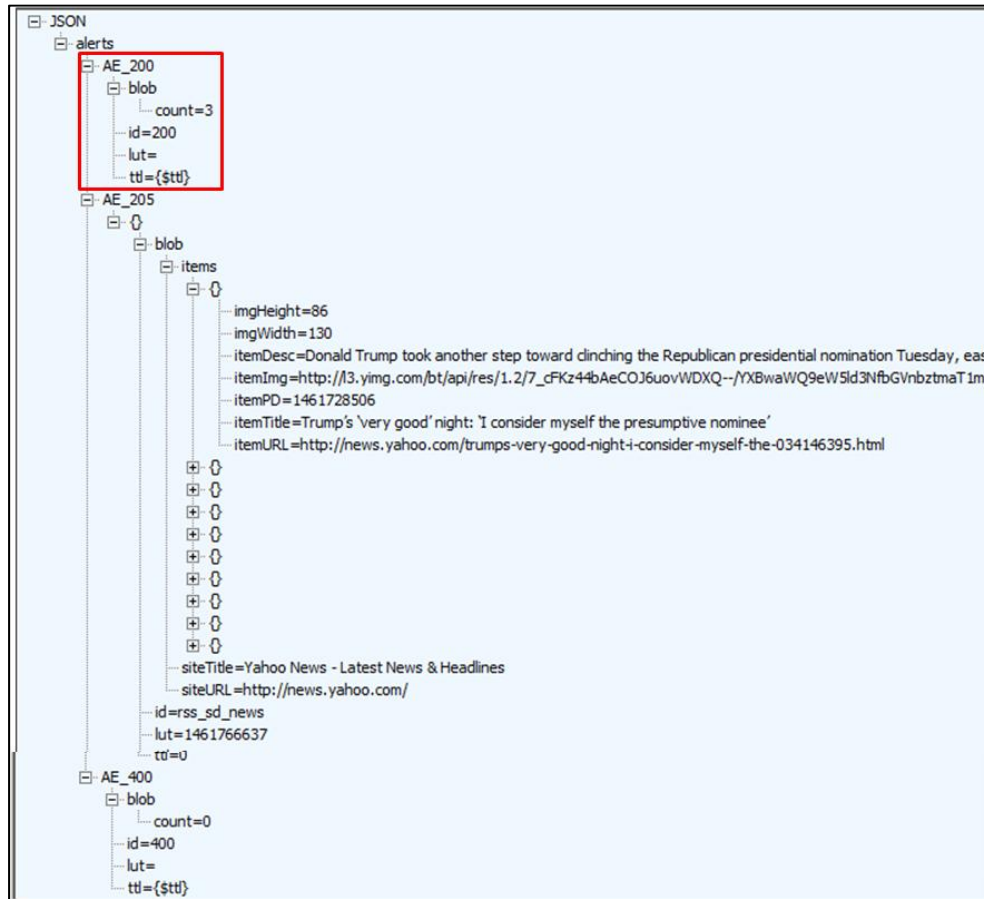
FIGURE 27

28.   The Yahoo Toolbar further updates the toolbar data at the user Internet device based on the operation and in accordance with the updated toolbar data. For example, as shown below in FIGURES 28-29, the server at IP address 98.137.201.165 sends the user Internet device

updated toolbar data in the form of one or more application/octet-stream messages containing the

updated toolbar data:

FIGURE 28

#	ClientBeginR...	X-HostIP	X-ClientIP	Result	Protocol	Host ⌃	URL
4695	19:51:59.833	98.137.201.165	127.0.0.1	200	HTTPS	us.data.toolbar.yahoo.com	/glxy/v2/alert?v=YNanoIE_10.1.0.192&t=1461766918514&.tguid=9E92302B-234A-4A88-9596-3DCA0533227C...

FIGURE 29

29.   More particularly, the server sends the updated toolbar data such as the latest mail

count in the form of JSON data as shown below in FIGURE 30:

FIGURE 30

30.   The Yahoo Toolbar is configured to receive the updated toolbar data and perform

an operation that includes, for example, updating the toolbar data to modify an attribute of at

least one of the one or more toolbar buttons of the toolbar. For example, as shown in FIGURE

31 below, the Yahoo Toolbar receives the updated toolbar, in the form of an updated mail count,

and modifies an attribute of at least one of the one or more toolbar buttons of the toolbar, such as

by displaying the latest unread mail count on the "Mail" button without any user interaction:

FIGURE 31
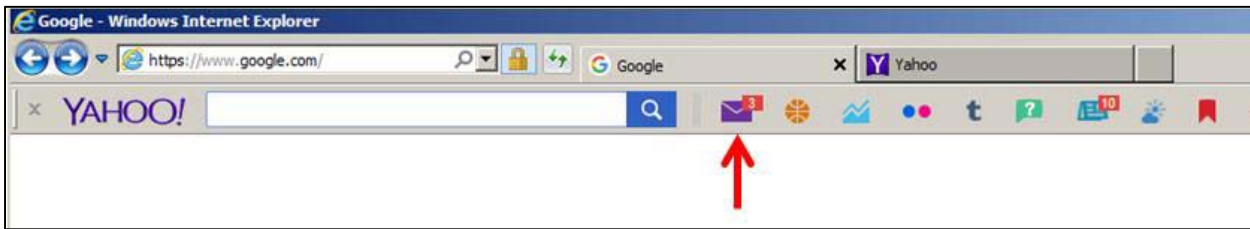
31.   The Yahoo Toolbar causes the toolbar, as defined by the updated toolbar data, to

be displayed at the user Internet device.   The information associated with the toolbar data

includes an IP address, as shown below in FIGURE 32:

FIGURE 32

| #	ClientBeginR...	X-HostIP	X-ClientIP	Result	Protocol	Host ▲	URL
4695	19:51:59.833	98.137.201.165	127.0.0.1	200	HTTPS	us.data.toolbar.yahoo.com	/glxy/v2/alert?v=YNanoIE_10.1.0.192&t=1461769918514&.tguid=9E92302B-234A-4A88-9596-3DCA0533227C...

32.   As shown below in FIGURE 33, the Yahoo Toolbar displays the toolbar as

defined by the updated toolbar data such as the latest unread mail count, while one or more first

webpages of, for example, the Google website are being displayed on the user internet device.

FIGURE 33
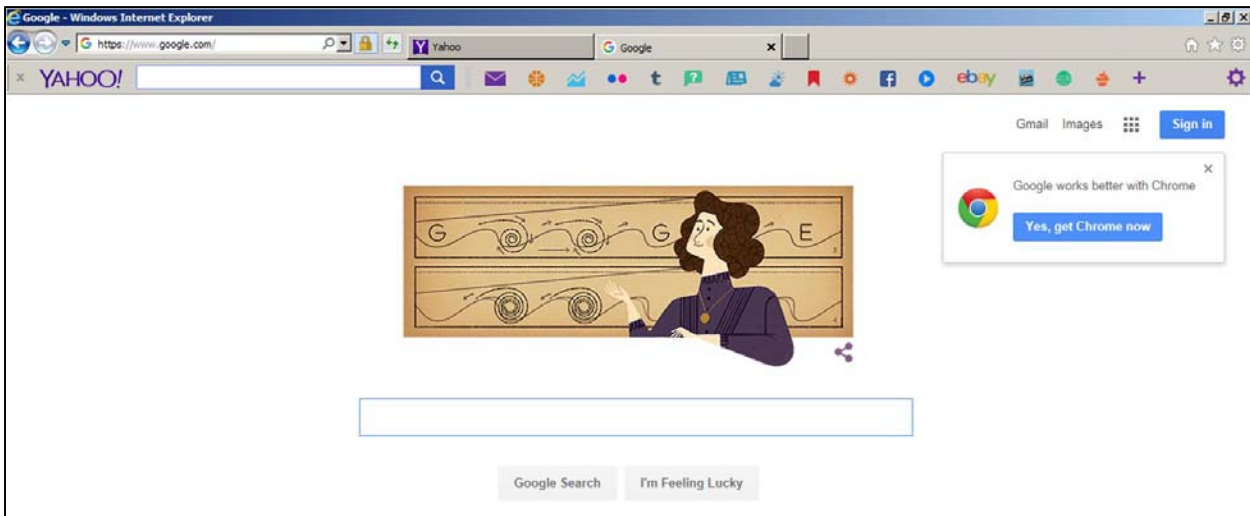
33.   As shown below in FIGURE 34, the Yahoo Toolbar persistently displays the toolbar with the updated toolbar data, such as the latest unread mail count, while one or more second webpages of, for example, the Yahoo website are being displayed on the user Internet device:

FIGURE 34
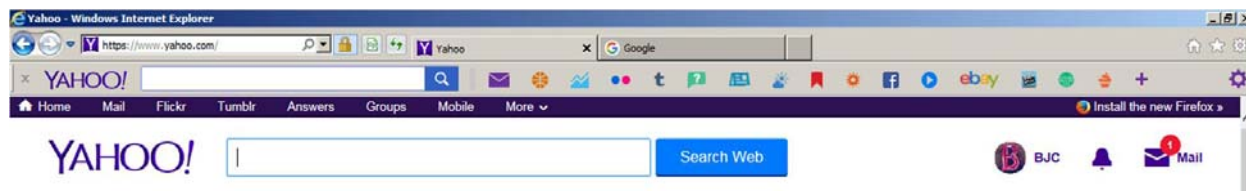
34.   The Yahoo Toolbar is stored in at least one computer-readable memory device such as, for example, the hard drive of the user Internet device, and comprises computer-executable instructions that perform a method for dynamically modifying a toolbar.

35.   The computer-executable instructions of the Yahoo Toolbar, for example, YNanoClient_IE.dll" are embodied in computer readable memory at "C:\Program Files\Yahoo!\Companion\Installs\cpn0" as shown below in FIGURE 35:

FIGURE 35
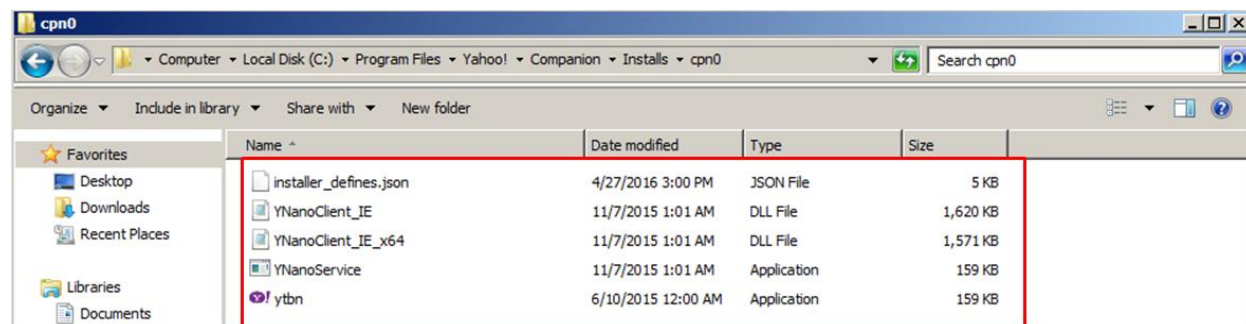
36.   The Yahoo Toolbar performs a method for dynamically modifying a toolbar using a remote source accessible through a network. For example, as shown below in FIGURE 36, the Yahoo Toolbar uses a remote source, such as the remote source with IP address 98.137.201.165,

to dynamically modify the Yahoo Toolbar by, for example, updating the latest unread mail count:

FIGURE 36

#	ClientBeginR...	X-HostIP	X-ClientIP	Result	Protocol	Host ▲	URL
4695	19:51:59.833	98.137.201.165	127.0.0.1	200	HTTPS	us.data.toolbar.yahoo.com	/glxy/v2/alert?v=YNanoIE_10.1.0.192&t=1461766918514&.tguid=9E92302B-234A-4A88-9596-3DCA0533227C...

37.   The Yahoo Toolbar establishes a connection between a network and a user Internet device initiated by the user Internet device. For example, as shown below in FIGURE 37, a connection is established with a user Internet device such as the user's personal computer, at IP address 127.0.0.1. The connection is initiated by the user Internet device as shown below when the user Internet device sends a "GET" request:

FIGURE 37

#	ClientBeginR...	X-HostIP	X-ClientIP	Result	Protocol	Host ▲	URL
22	16:31:29.800	98.137.201.165	127.0.0.1	200	HTTPS	us.data.toolbar.yahoo.com	/glxy/v1/feed?&.pc=tyc-sc&.dc=tyc-sc&.a=0&.ta=cgnone,ccus,cius,cvYNanoIE_10.1.0.1'
40	16:31:34.065	98.137.201.165	127.0.0.1	200	HTTPS	us.data.toolbar.yahoo.com	/glxy/v2/alert?v=YNanoIE_10.1.0.192&t=1461754891835&.tguid=9E92302B-234A-4A88-
42	16:31:34.652	98.137.201.165	127.0.0.1	200	HTTPS	us.data.toolbar.yahoo.com	/glxy/v1/feed?&.pc=tyc-sc&.dc=tyc-sc&.a=0&.ta=cgnone,ccus,cius,cvYNanoIE_10.1.0.1'
49	16:31:37.890	98.137.201.165	127.0.0.1	200	HTTPS	us.data.toolbar.yahoo.com	/glxy/v2/alert?v=YNanoIE_10.1.0.192&t=1461754895344&.tguid=9E92302B-234A-4A88-
227	16:47:20.227	98.137.201.165	127.0.0.1	200	HTTPS	us.data.toolbar.yahoo.com	/glxy/v2/alert?v=YNanoIE_10.1.0.192&t=1461755839261&.tguid=9E92302B-234A-4A88-
555	17:06:17.105	98.137.201.165	127.0.0.1	200	HTTPS	us.data.toolbar.yahoo.com	/glxy/v2/alert?v=YNanoIE_10.1.0.192&t=1461756975652&.tguid=9E92302B-234A-4A88-
2506	17:16:37.607	98.137.201.165	127.0.0.1	200	HTTPS	us.data.toolbar.yahoo.com	/glxy/v1/feed?&.pc=tyc-sc&.dc=tyc-sc&.a=0&.ta=cgnone,ccus,cius,cvYNanoIE_10.1.0.1'
2515	17:16:39.911	98.137.201.165	127.0.0.1	200	HTTPS	us.data.toolbar.yahoo.com	/glxy/v2/alert?v=YNanoIE_10.1.0.192&t=1461757598415&.tguid=9E92302B-234A-4A88-
4695	19:51:59.833	98.137.201.165	127.0.0.1	200	HTTPS	us.data.toolbar.yahoo.com	/glxy/v2/alert?v=YNanoIE_10.1.0.192&t=1461766918514&.tguid=9E92302B-234A-4A88-
4951	20:10:18.878	98.137.201.165	127.0.0.1	200	HTTPS	us.data.toolbar.yahoo.com	/glxy/v2/alert?v=YNanoIE_10.1.0.192&t=1461768017725&.tguid=9E92302B-234A-4A88-
5175	20:22:38.965	98.137.201.165	127.0.0.1	200	HTTPS	us.data.toolbar.yahoo.com	/glxy/v1/feed?&.pc=tyc-sc&.dc=tyc-sc&.a=0&.ta=cgnone,ccus,cius,cvYNanoIE_10.1.0.1'
5180	20:22:39.797	98.137.201.165	127.0.0.1	200	HTTPS	us.data.toolbar.yahoo.com	/glxy/v1/feed?&.pc=tyc-sc&.dc=tyc-sc&.a=0&.ta=cgnone,ccus,cius,cvYNanoIE_10.1.0.1'
5203	20:22:43.739	98.137.201.165	127.0.0.1	200	HTTPS	us.data.toolbar.yahoo.com	/glxy/v2/alert?v=YNanoIE_10.1.0.192&t=1461768760085&.tguid=9E92302B-234A-4A88-
5206	20:22:44.770	98.137.201.165	127.0.0.1	200	HTTPS	us.data.toolbar.yahoo.com	/glxy/v2/alert?v=YNanoIE_10.1.0.192&t=1461768761417&.tguid=9E92302B-234A-4A88-
5281	20:23:42.602	98.137.201.165	127.0.0.1	200	HTTPS	us.data.toolbar.yahoo.com	/glxy/v1/feed?&.pc=tyc-sc&.dc=tyc-sc&.a=0&.ta=cgnone,ccus,cius,cvYNanoIE_10.1.0.1'
5290	20:23:46.028	98.137.201.165	127.0.0.1	200	HTTPS	us.data.toolbar.yahoo.com	/glxy/v2/alert?v=YNanoIE_10.1.0.192&t=1461768823462&.tguid=9E92302B-234A-4A88-
6025	21:22:19.139	98.137.201.165	127.0.0.1	200	HTTPS	us.data.toolbar.yahoo.com	/glxy/v2/alert?v=YNanoIE_10.1.0.192&t=1461772337396&.tguid=9E92302B-234A-4A88-
6442	21:31:03.178	98.137.201.165	127.0.0.1	200	HTTPS	us.data.toolbar.yahoo.com	/glxy/v2/alert?v=YNanoIE_10.1.0.192&t=1461772862805&.tguid=9E92302B-234A-4A88-
6889	21:33:22.952	98.137.201.165	127.0.0.1	200	HTTPS	us.data.toolbar.yahoo.com	/glxy/v1/feed?&.pc=tyc-sc&.dc=tyc-sc&.a=0&.ta=cgnone,ccus,cius,cvYNanoIE_10.1.0.1'

38.   The Yahoo Toolbar further receives at the remote source information associated with the toolbar data stored in toolbar-defining databases of the user Internet device. For example, as shown below in FIGURES 38-39, the remote source at IP address 98.137.201.165 receives an HTTP "GET" request from the user Internet device containing information associated with the toolbar data stored in the one or more toolbar-defining databases of the user Internet device. Upon information and belief, the encoded data indicated by the red box below

PLAINTIFF'S COMPLAINT FOR PATENT INFRINGEMENT   **Page 21**

includes information associated with the toolbar data stored in the one or more toolbar-defining

databases of the user Internet device:

FIGURE 38

FIGURE 39

39.   The Yahoo Toolbar further sends from the remote source via the network to the

user Internet device the updated toolbar data to be stored in the toolbar-defining databases of the

user Internet device. For example, as shown below in Figures 40-41, the remote source at IP

address 98.137.201.165 sends the user Internet device updated toolbar data in the form of one or more application/octet-stream messages containing the updated toolbar data:

FIGURE 40

FIGURE 41

40.   The Yahoo Toolbar integrates with a browser, such as Internet Explorer, on a device capable of communicating with other devices over a network such as a user Internet Device.

41.   The Yahoo Toolbar causes a toolbar to be displayed on a user Internet device that includes one or more toolbar buttons.

42.   The one or more toolbar buttons of the Yahoo Toolbar are defined by toolbar data stored in one or more toolbar-defining databases.

43.   The Yahoo Toolbar's toolbar data comprises a plurality of toolbar button attributes associated with one or more toolbar buttons of the toolbar.

44.   At least one of the plurality of toolbar button attributes identifies a function to be performed by a specific toolbar button upon actuation of the toolbar button.

45.   The Yahoo Toolbar performs the step of causing the user Internet device to send a revision level of one or more of the toolbar-defining databases to a predetermined network address.

46.   The Yahoo Toolbar performs the step of causing the user Internet device to send information about one or more of the toolbar-defining databases to a server associated with a network address.

47.   The Yahoo Toolbar further performs the step of "determining, from the revision level, that the user Internet device should receive the toolbar update data" at the "server at a predetermined network address."

48.   The Yahoo Toolbar causes the user Internet device to receive the toolbar update data via the internet.

49.   The Yahoo Toolbar causes the user Internet device, without user interaction, to initiate an operation to update the toolbar data in accordance with the toolbar update data received.

50.   The Yahoo Toolbar causes the user Internet device to update the toolbar data by updating at least one attribute of the toolbar button data and displaying the toolbar as defined by the updated toolbar data.

51.   The Yahoo Toolbar performs each of the functions described in the asserted claims, including the functions described above. In particular, the Yahoo Toolbar software embedded in the browser of the user Internet device and remotely located, such as on a server remote from the user Internet device, instruct these devices to perform these functions. The Yahoo Toolbar, therefore, directs and controls the functions of the user Internet device and the remote device(s) that perform the functions described above.

52. To the extent any third party performs any of the functions described above, the performance of such functions is attributable to the Yahoo Toolbar because it directs and controls the performance of those functions.

CLAIM 1 -- INFRINGEMENT OF U.S. PATENT NO. 8,275,863

53. Plaintiff incorporates paragraphs 1 through 52 as though fully set forth herein.

54. Upon information and belief, Yahoo has been and is now directly infringing one or more claims of the '863 Patent by using the Yahoo Toolbar (including use for testing purposes) in the United States in violation of 35 U.S.C. § 271(a). The Yahoo Toolbar performs the method of modifying a toolbar as described in one or more of the claims of the '863 Patent.

55. Plaintiff has been damaged by Yahoo's infringing activities.

CLAIM 2 – INFRINGEMENT OF U.S. PATENT NO. 9,021,070

56. Plaintiff incorporates paragraphs 1 through 52 as though fully set forth herein.

57. Upon information and belief, Yahoo has been and is now directly infringing one or more claims of the '070 Patent by using the Yahoo Toolbar (including use for testing purposes) in the United States in violation of 35 U.S.C. § 271(a). The Yahoo Toolbar performs the method of modifying a toolbar as described in one or more of the claims of the '070 Patent.

58. Plaintiff has been damaged by Yahoo's infringing activities.

DEMAND FOR JURY TRIAL

59. Plaintiff, pursuant to Rule 38 of the Federal Rules of Civil Procedure, requests a trial by jury of any issues so triable.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff requests the following relief:

1.   A judgment in favor of Plaintiff that Yahoo has directly infringed one or more claims of the Asserted Patents;

2.   A judgment and order requiring Yahoo to pay Plaintiff damages adequate to compensate for infringement under 35 U.S.C. § 284, which damages in no event shall be less than a reasonable royalty for the use made of the inventions of the Asserted Patents, including pre- and post-judgment interest and costs, including expenses and disbursements; and

3.   Any and all such further necessary relief as the Court may deem just and proper under the circumstances.

Dated: September 7, 2016   Respectfully submitted,

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